

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 05-50117-01

VERSUS

JUDGE S. MAURICE HICKS, JR.

MEALVINE WALKER

MAGISTRATE JUDGE HORNSBY

**MEMORANDUM ORDER**

Before the Court is a “Motion for Reduction of Sentence Pursuant to 18 USC § 3582(c)(2) Based on Retroactive Amendment of the United States Sentencing Guidelines” (Record Document 82) filed *pro se* by defendant Mealvine Walker (“Walker”). Relying upon a recent Sixth Circuit opinion, Walker asks that the Fair Sentencing Act (“FSA”) be applied retroactively to her case, that is, an offender who was sentenced prior to the FSA’s effective date, because the mandatory sentencing law in effect at the time of her sentencing was both “racially discriminatory” and a violation of the Equal Protection Clause. See United States v. Blewett, Nos. 12-5226, 12-5582, 2013 WL 2121945 (6th Cir. May 17, 2013).

The Fifth Circuit and the Supreme Court have held that the Fair Sentencing Act does not apply retroactively to defendants sentenced prior to its enactment. See United States v. Diggins, 633 F. 3d 379, 384 (5th Cir. 2011); Dorsey v. United States, 132 S. Ct. 2321, 2332 (2012). This Court is bound by these decisions; thus, Walker’s argument that she is entitled to a reduction of sentence is foreclosed by both circuit and Supreme Court precedent holding that the FSA does not apply retroactively to defendants such as her who were sentenced prior to its enactment. See United States v. Polidore, 690 F. 3d 705 (5th Cir. 2012); United States v. Mason, No. 12-10508, 2013 WL 1789443 (5th Cir. April 29,

2013); Doggins, 633 F. 3d at 384; Dorsey, 132 S. Ct. at 2332.<sup>1</sup> While the Court appreciates that Walker may be attempting to preserve this issue, she has not demonstrated that she is entitled to relief at this juncture.

Accordingly,

**IT IS ORDERED** that Walker's "Motion for Reduction of Sentence Pursuant to 18 USC § 3582(c)(2) Based on Retroactive Amendment of the United States Sentencing Guidelines" (Record Document 82) is hereby **DENIED**.

**THUS DONE AND SIGNED**, in Shreveport, Louisiana, this 19th day of July, 2013.

  
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S. MAURICE HICKS, JR.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Walker was sentenced on January 29, 2007. See Record Documents 49-50. The FSA was enacted in August 2010.